

# Notice of Allowability

## Application No.

09/825,682

## Examiner

Diana B. Johannsen

## Applicant(s)

FEINSTEIN ET AL.

## Art Unit

1634

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to the After Final Amendment of 19 August 2004; the interviews of 02 and 15 Sept. 2004.
  2. ☒ The allowed claim(s) is/are 1,4-6,24,26 and 30.
  3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>0804</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                           | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. The After Final Amendment filed August 19, 2004 has been entered.
2. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment that places this application in condition for allowance. During a telephone conversation conducted on September 15, 2004, Daniel Smith (on behalf of John White) requested an extension of time for 1 additional MONTH(S) (for a total of 2 MONTHS) and authorized the Director to charge Deposit Account No. 03-3125 the required fee of \$155.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Claims 1, 4-6, 24, 26, and 30 are now allowed. It is noted that in accordance with 37 C.F.R. 1.126, allowed claims 4-6, 24, 26, and 30 will be renumbered as claims 2-7, respectively (see MPEP 608.01(j)).

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**4. Amend the claims as follows:**

**Cancel** claims 2, 27, and 31.

In claim 6, line 2, delete "consists essentially of" and insert therefore—comprises-

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In claim 30, line 2, delete "homo sapiens syndecan-1 gene" and insert therefore—a *Homo sapiens* syndecan-1 polynucleotide--.

In claim 30, lines 3-5, delete "homo sapiens hepatocyte growth factor activator inhibitor type 2 gene" and insert therefore—a *Homo sapiens* hepatocyte growth factor activator inhibitor type 2 polynucleotide--.

**5. Amend the specification as follows:**

On page 22, at line 19, after "March 24, 2000," insert—now U.S. Patent No. 6,403,316,--.

On page 26, at line 10, after "30 March, 2000," insert—now U.S. Patent No. 6,468,749,--.

On page 43, at line 6, delete "09/534," and insert therefore—09/534,661, now U.S. Patent No. 6,468,749,--.

***Interview of September 15, 2004***

6. On September 15, 2004, Applicants' representative contacted the examiner to authorize the amendment proposed by the examiner on September 2, 2004 (see also the Interview Summary mailed September 7, 2004).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Diana B. Johannsen", followed by a long, sweeping horizontal line that extends to the right.

Diana B. Johannsen  
Primary Examiner  
September 16, 2004